

# EXHIBIT 14

KELLY 0253

Unum Life Insurance Company of America  
 The Benefits Center  
 P.O. Box 100158  
 Columbia, SC 29202-3158  
 Phone: 1-800-858-6843  
 Fax: 1-800-447-2498  
 www.unumprovident.com

- the cause of your disability;
- the date your disability began;
- the appropriate documentation of your monthly earnings;
- that you are under the regular care of a physician;

Your proof of claim, provided at your expense, must show:

### "WHAT INFORMATION IS NEEDED AS PROOF OF YOUR CLAIM?"

As you may know, the policy provision applicable to our request states:

Please note that if we do not receive the additional information by April 22, 2007, we may not be able to give further consideration to your claim.

Once we have received and reviewed the additional information requested, we will notify you of our decision.

Enclosed is a copy of our February 07, 2007 letter for your review. We would appreciate it if you would promptly provide this information so that we may determine your continued eligibility for benefits.

We are writing about your claim for Long Term Disability benefits. We previously contacted you requesting additional information that we needed to review your claim.

Dear Ms. Kelly:

RE: Kelly, Megan L	Policy Number:	Unum Life Insurance Company of America
	1718010	
	588097	
DOB: February 16, 1978		

MARIEEN MCFADDEN	BERKELEY, CA 94710
819 BANCROFT WAY	
2009 MCCEE NO 2	
MEGAN L KELLY	

Original Recipient

March 7, 2007



Exhibit H-2

1242-03

## KELLY 0254

Enclosures: Disability Payment Options (1160-01)  
 SSA-3288  
 Cc: Maureen McFadden  
 Lead Disability Benefits Specialist

Unum Life Insurance Company of America  
 Michael Leding  
 Lead Disability Benefits Specialist

*Michael Leding*

Sincerely,

Ms. Kelly, if you have any questions, please feel free to contact me at 1-800-858-6843.

If you have already sent this information to us, please disregard this request.

Please also have your attorney call us with an update in regards to your medical condition concerning your recovery from your ankle surgery and your pending wrist surgery.

If you fail to comply with this by the date included we will estimate and reduce what your Social Security Disability (SSDI) benefit would be from your Long Term Disability benefit. Please return the enclosed forms and proof of application for SSDI within the time period provided.

In some cases, you will be required to give Unum authorization to obtain additional medical information, and to provide non-medical information as part of your proof of claim, or proof of continuing disability. Unum will deny your claim, or stop sending you payments, if the appropriate information is not submitted.

We may request that you send proof of continuing disability indicating that you are under the regular care of a physician. This proof, provided at your expense, must be received within 45 days of a request by us.

- the extent of your disability, including restrictions and limitations preventing you from performing your regular occupation; and
- the name and address of any hospital or institution where you received treatment, including all attending physicians.

# **EXHIBIT 15**

KELLY 0242

Unum Life Insurance Company of America  
 The Benefits Center  
 PO Box 100158  
 Columbia, SC 29202-3158  
 Phone: 1-800-858-6643  
 Fax: 1-800-447-2498  
 www.unumprovident.com

- the cause of your disability;
- the date your disability began;
- the appropriate documentation of your monthly earnings;
- that you are under the regular care of a physician.

Your proof of claim, provided at your expense, must show:

### "WHAT INFORMATION IS NEEDED AS PROOF OF YOUR CLAIM?"

As you may know, the policy provision applicable to our request states:

Please note that if we do not receive the additional information by May 22, 2007, we will make a decision based on the information we have at that time.

Once we have received and reviewed the additional information requested, we will notify you of our decision.

Enclosed is a copy of our March 07, 2007 letter for your review. We would appreciate it if you would promptly provide this information so that we may determine your continued eligibility for benefits.

We are writing about your claim for Long Term Disability benefits. We previously contacted you requesting additional information that we needed to review your claim.

Dear Ms. Kelly:

RE: Kelly, Megan L	Unum Life Insurance Company of America
Claim Number: 1718010	Policy Number: 588097
DOB: February 16, 1978	

MARREEN MCADDEN  
 819 BANCROFT WAY  
 BERKELEY, CA 94710  
 2009 MCGEE NO 2  
 MEGAN L KELLY

Original Recipient

April 23, 2007



Exhibit 15-2

1242-03

KELLY 0243

CC: Maurreen McFadden  
 SSA-3288  
 Enclosures: Disability Payment Options (1160-01)

Unum Life Insurance Company of America  
 Lead Disability Benefits Specialist  
 Michael Leading

*Michael Leading*

Sincerely,

Ms. Kelly, if you have any questions, please feel free to contact me at 1-800-858-6843.

If you have already sent this information to us, please disregard this request.

In some cases, you will be required to give Unum authorization to obtain additional medical information, and to provide non-medical information as part of your proof of claim, or proof of continuing disability. Unum will deny your claim, or stop sending you payments, if the appropriate information is not submitted.

We may request that you send proof of continuing disability indicating that you are under the regular care of a physician. This proof, provided at your expense, must be received within 45 days of a request by us.

- all attending physicians.
- the name and address of any hospital or institution where you received treatment, including performing your regular occupation; and
- the extent of your disability, including restrictions and limitations preventing you from

# EXHIBIT 16

1242-03

KELLY 0240

Unum Life Insurance Company of America  
The Benefits Center  
PO Box 100158  
Columbia, SC 29202-3158  
Phone: 1-800-858-6843  
Fax: 1-800-447-2498  
www.unumprovider.com

If you or Ms. Kelly does not have questions regarding this matter, please forward a check made out to Unum Life Insurance Company of America by July 11, 2007 to reimburse us for this overpayment. Be sure to include your Social Security number or claim number on your check for identification.

On April 30, 2007, we received notification from Appela Corporation that Ms. Kelly's pre-disability earnings were calculated incorrectly. On May 23, 2007, the Employer had provided additional financial information that included detailed payroll records from March 26, 2004 through July 2, 2004. A recalculation of Ms. Kelly's pre-disability earnings was completed and subsequently her claim has been overpaid by \$2,639.37 for benefits from January 3, 2005 through June 2, 2007.

"Monthly Earnings" means your gross monthly income from your Employer in effect just prior to your date of disability. It includes your total income before taxes. It is prior to any deductions made for pre-tax contributions to a qualified deferred compensation plan, Section 125 plan, or flexible spending account. It includes commissions estimated by your Employer, but does not include bonuses, overtime pay or any other extra compensation.

When we initially calculated Ms. Kelly's pre-disability earnings, we used information provided by Appela Corporation's eligibility feed, this did not include actual payroll records. Based on our customer agreement this was sufficient to complete our calculation unless there was a discrepancy. Ms. Kelly's policy states:

We are writing about Ms. Kelly's Long Term Disability claim.

Dear Attorney McFadden:

RE: Kelly, Megan L	DOB: February 16, 1978	Claim Number: 1718010	Policy Number: 588097	Unum Life Insurance Company of America
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MAUREEN MCFADDEN  
819 BANCROFT WAY  
BERKELEY, CA 94710

June 11, 2007



KELLY 0241

CC: Meghan Kelly

Jennifer McAvoy  
Lead Disability Benefits Specialist  
Unum Life Insurance Company of America

*Jennifer McAvoy*

Sincerely,

If you have any other questions, please contact me at 1-800-858-6843, extension 58292.

Ms. Kelly, if your benefits are taxable, and you have questions about tax issues, please contact our Tax Unit at 1-800-845-2290.

Ms. Kelly's gross monthly benefit will now be \$2,105.54 less any applicable taxes or deductible sources of income.

Otherwise, please contact us by June 25, 2007 to address your concerns and to answer any questions you may have regarding this overpayment.

# EXHIBIT I



## KELLY 0215

If you will have the opportunity to submit written comments, documents, or other information in support of your appeal. You will have access to all relevant documents as defined by applicable U.S. Department of Labor regulations. The review will take into account all new information whether or not presented at the initial determination. No deference will be afforded to the initial determination.

If an extension is necessary due to your failure to submit the information necessary to decide the appeal, the notice of extension will specifically describe the required information and you will be afforded at least 45 days from receipt of the notice to provide the specified information. If you deliver the requested information within the time specified, the 45 day extension of the review period will begin after you have provided that information. If you fail to deliver the requested information within the time specified, we may decide your appeal without that information.

You will be made not later than 45 days after we receive your written request for review of the initial determination. If we determine that special circumstances require an extension of time for a decision on appeal, the review period may be extended by an additional 45 days (90 days in total). We will notify you in writing if an additional 45 day extension is needed.

A decision on appeal will be made not later than 45 days after we receive your written request for review of the initial determination. If we determine that special circumstances require an extension of time for a decision on appeal, the review period may be extended by an additional 45 days (90 days in total). We will notify you in writing if an additional 45 day extension is needed.

The review will be conducted by us and will be made by a person different from the person who made the initial determination and such person will not be the original decision maker's subordinate. In the case of a claim denied on the grounds of a medical judgment, we will consult with a health professional who is consulted on appeal with appropriate training and experience. The health care professional who is consulted will not be the individual who was consulted during the initial determination or a subordinate. If the advice of a medical or vocational expert was obtained by the Plan in connection with the denial of your claim, we will provide you with the names of each such expert, regardless of whether the advice was relied upon.

If your request on appeal is denied, the notice of our decision will contain the following information:

- a. the specific reason(s) for the appeal determination;
- b. a reference to the specific Plan provisions(s) on which the determination is based;
- c. a statement disclosing any internal rule, guidelines, protocol or similar criterion relied on in making the adverse determination (or a statement that such information will be provided free of charge upon request);
- d. a statement combining your right to bring a civil suit under federal law;
- e. a statement that you have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S. Department of Labor office and your State insurance regulator agency. A statement that "You or your plan may have other voluntary alternative dispute resolution options to or copies of all documents, records or other information relevant to the determination; and
- f. a statement that you are entitled to receive upon request, and without charge, reasonable access to or copies of all documents, records or other information relevant to the determination, and notice of the determination may be provided in writing or electronic form. Electronic notices will be provided in a form that complies with any applicable legal requirements.

If you dispute this determination, you have the right to bring a civil action under section 502(a) of the Employee Retirement Income Security Act following a final administrative determination on the part of the Secretary. Notice of the determination may be provided in writing or electronic form. Electronic notices will be provided in a form that complies with any applicable legal requirements.

KELLY 0216

Claimant: Financial Recovery Unit  
 Financial: Income Verification  
 Financial: Benefit Calculation  
 Enclosures: Financial: Benefit Calculation  
 Jennifer McAvoy

Unum Life Insurance Company of America  
 Lead Disability Benefits Specialist  
 Jennifer McAvoy

*Jennifer McAvoy*

Sincerely,

Mrs. Kelly, if you have any questions, please feel free to contact me at 1-800-858-6843,  
 extension 58292.

The policy under which you are insured for this claim has a provision which states, in part, that  
 no lawsuit or legal action shall be brought to recover on the policy after the expiration of three  
 years from the time proof of loss is required.

If you wish to write to the Insurance Department, your letter should be addressed to:  
 California Department of Insurance  
 Claims Service Bureau, 11<sup>th</sup> Floor  
 300 South Spring Street  
 Los Angeles, CA 90013  
 In addition, you may also contact the California Insurance Department if you wish to have them  
 review your claim. If you wish to contact the Department by telephone, you should ask for the  
 Consumer Complaints Bureau at 1-800-927-HELP (1-800-927-4357) or 213-897-8921. If  
 you wish to write to the Insurance Department, your letter should be addressed to:

If we do not receive your written appeal within 180 days of the date you receive this letter, our  
 claim determination will be final.

Review. Unless there are special circumstances, this administrative appeal process must be  
 completed before you begin any legal action regarding your claim.

# EXHIBIT 18

1242-03

KELLY 0210

Unum Life Insurance Company of America  
The Benefits Center  
PO Box 100158

www.unumprovident.com  
Fax: 1-800-447-2498  
Phone: 1-800-858-6843  
Columbia, SC 29202-3158

You must be under the regular care of a physician in order to be considered disabled.

After 24 months of payments, you are disabled when Unum determines that due to the same

sickness or injury, you are unable to perform the duties of any gainful occupation for which you are reasonably fitted by education, training or experience.

- You have a 20% or more loss in your indexed monthly earnings due to the same sickness or injury.
- You are limited from performing the material and substantial duties of your regular occupation due to your sickness or injury; and
- You are disabled when Unum determines that:

#### "HOW DOES UNUM DEFINE DISABILITY?"

If you return to work, yet remain disabled as defined by your policy, you may be eligible for continued benefits. Your policy defines disability as:

We have been informed by your employer you returned to work part time on June 18, 2007 with your same employer performing the same job duties as a production chemist with restrictions and limitations. Prior to releasing any further benefits we need copies of your payroll stubs since your return to work date and ongoing, to assess your eligibility for continued benefits. Your next benefit check for the period of June 3, 2007 through July 2, 2007 will not be released until we receive and review your payroll records for that time period.

Dear Attorney McFadden:

RE: Kelly, Megan L  
Claim Number: 1718010  
DOB: February 16, 1978  
Policy Number: 588097  
Unum Life Insurance Company of America

MAUREEN MCFADDEN  
819 BANCROFT WAY  
BERKELEY, CA 94710

July 9, 2007



Exhibit 18-2

1242-03

KELLY 0211

For example:

As you can see your net benefit plus your earnings would total \$3,000.00.  
Following this 12 month period, if you continue to meet all the plan provisions, benefits will be payable in proportion to the income loss you have incurred.

Gross Monthly benefit	\$1,800.00	Current earnings	\$1,500.00	Total (benefit + earnings)	\$3,300.00
Work Incentive Benefit Offset	\$300.00			Work Incentive Benefit Offset	(3,300 - 3,000)
Gross Monthly benefit	\$1,800.00				
Less Work incentive benefit offset	\$300.00				
Net Benefit	\$1,500.00				

As an example, if you were to return to work earning \$3,000 per month, benefits would be calculated as follows:

During the first 12 months of your return to work, you will be eligible for the Work Incentive Benefit. Under this provision, you will be eligible for the Work Incentive Benefit. Under this provision, you would be provided with 12 months of unreduced benefits from the date you returned to work, provided your benefit plus your earnings do not exceed 100% of your pre-disability earnings.

Regular occupation means the occupation you are routinely performing when your disability begins. Num will look at your occupation as it is normally performed in the national economy instead of how the work tasks are performed for a specific employer or at a specific location.”



Material and substantial duties means duties that:

We may require you to be examined by a physician, other medical practitioner and/or vocational expert of our choice. You will pay for this examination. We can require an examination as often as it is reasonable to do so. We may also require you to be interviewed by an authorized attorney representative.”

The loss of a professional or occupational license or certification does not, in itself, constitute disability.

KELLY 0212

We have determined that we can recoup the overpayment in 6 monthly installments beginning in your next benefit check that begins June 3, 2007. Therefore, we can reduce your monthly benefits by \$439.90.

Additional, we sent you a letter on June 11, 2007 explaining an overpayment on your claim due to incorrect pre-disability earnings. Your attorney, Ms. Maureen McFadden has informed me that you are unable to repay the full amount of the overpayment at this time.

- the date you die;
- consecutive months of benefits; or
- outside the United States or Canada for a total period of 6 months or more during any 12 months of payment if you are outside the United States or Canada. You will be considered to reside outside these countries when you have been outside the United States or Canada for a total period of 6 months or more during any 12 months of continuing disability;
- after 12 months of payment if you are considering to reside outside the United States or Canada;
- the date you fail to submit proof of continuing disability;
- the date you fail to cooperate or participate in Num's Rehabilitation and Return to Work Assistance program;
- receive benefits under Num's Rehabilitation and Return to Work Assistance Program;
- the date you are no longer disabled under the terms of the plan, unless you are eligible to receive benefits under the maximum period of payment;
- if you are working and your monthly disability earnings exceed 80% of your indexed monthly earnings, the date your earnings exceed 80%;
- the end of the maximum period of payment;
- the date you are no longer disabled under the terms of the plan, unless you are eligible to receive benefits under the maximum period of payment;
- the date you fail to work in any gainful occupation on a part-time basis but you choose not to;
- after 24 months of payments, when you are able to work in any gainful occupation on a part-time basis but you choose not to;
- during the first 24 months of payments, when you are able to work in your regular occupation on a part-time basis but you choose not to;
- We will stop sending you payments and your claim will end on the earliest of the following:

#### "WHEN WILL PAYMENTS STOP?"

As you can see from the above example, your total income from us plus your earnings would be \$2,400.00, or \$600.00 more than your regular monthly benefit before you returned to work. Your benefits will continue under the above formula until the earliest of the following, as stated in your policy, occurs:

$$\begin{aligned} \text{Total Income: } & \\ \$2,400.00 (\text{earnings}) + 900.00 = & \end{aligned}$$

Exhibit 18-4

1242-03

KELLY 0213

CC: Megan Kelly

Unum Life Insurance Company of America

Lead Disability Benefits Specialist

Jennifer McAvooy

*Jennifer McAvooy*

Sincerely,

Ms. Kelly, if you or your attorney, has any questions, please feel free to contact me at 1-800-858-6843, extension 58292.

# EXHIBIT 19

Unum Life Insurance Company of America  
Financial Recovery Unit  
PO Box 9791  
Portland, ME 04104-9828  
Phone: 1-800-822-9103  
Fax: 207-575-6801  
[www.unumprovident.com](http://www.unumprovident.com)

## KELLY 0192

Please be advised that the policy under which you are covered states that any Social Security benefits payable to your dependents as a result of your Social Security claim may be an offset to your monthly disability benefit. At this time, we ask that you notify us if you have any dependents who are eligible for Social Security benefits based on your work history.

Otherwise, please contact us by November 07, 2007 to address your concerns and to answer any questions you may have regarding this overpayment.

If you do not have questions regarding this matter, please forward a check made out to Unum Life Insurance Company of America by November 22, 2007 to reimburse us for the overpayment. Be sure to include your Social Security number or claim number on your check for identification. Your canceled check will be proof of your payment.

Since you were awarded Social Security benefits effective April 01, 2006 for a period during which you received unreduced disability benefits, your claim now has an overpayment of \$22,116.03 which includes remaining overpayment balance of \$1,697.75. A copy of the calculation is attached.

The above policy provides for a reduction of your monthly benefit by any Social Security benefits paid for the same period.

We are writing about your Long Term Disability claim.

Dear Ms. Kelly:

RE: Kelly, Megan L  
Claim Number: 1718010  
DOB: February 16, 1978  
Policy Number: 588097  
Unum Life Insurance Company of America

MAUREEN MCFADDEN  
819 BANCROFT WAY  
BERKELEY, CA 94710  
MEGAN L KELLY  
2009 MCCEE NO 2  
BERKELEY, CA 94703-1448  
Original Recipient

October 24, 2007



KELLY 0193

1242-03

To make it easier to reimburse us, we now offer a free service, in which the amount of the repayment can automatically be withdrawn from your checking or savings account. If you would like to take advantage of this service, please contact me at the toll-free number below.

Your net monthly benefit will now be \$918.54 after tax deductions.

Ms. Kelly, if your benefits are taxable, and you have questions about tax issues, please contact our Tax Unit at 1-800-845-2290.

If you have any other questions, please contact me at 1-800-822-9103, extension 56638.

Sincerely,

*Mary Krupski*

Financial Services Representative  
Lumm Life Insurance Company of America  
Mary Krupski  
Enclosures: ACH Notice (FRU)  
CC: Maureen McFadden

# EXHIBIT 20

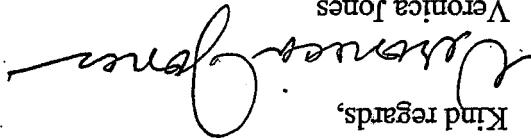
Exhibit 20-1

KELLY 0156

Senior Manager, Employee Relations

Veronica Jones

Kind regards,



If you have further questions, please do not hesitate to contact me at 650.638.5426.

employment at Applied Biosystems.

Please find enclosed copies of additional documents pertaining to Megan Kelly's

Dear Ms. McFadden:

Re: Megan Kelly

Berkeley, CA 94710

819 Bancroft Way

Law Offices of Maureen E. McFadden

Maureen E. McFadden

January 10, 2007

850 Lincoln Center Drive  
Foster City, CA  
94404 USA

Corporate

Appleira

# EXHIBIT 21

1-17 from ex)

In January 2006, Ms. Kelly's physicians determined that she was well enough to return to work, albeit with restrictions as to the number of hours she could work, a restriction on lifting any more than 20 lbs., and a requirement that she sit down every hour for at least 10 minutes. Ms. Kelly provided

Ms. Kelly has been under the care of numerous physicians while out on leave from Applied Biosystems. Throughout her leave, Ms. Kelly regularly left telephone messages with her immediate supervisor, Jonathan Laoстин, regarding her status and the progress of her recovery. Ms. Kelly also supervised Jonathan Laoстин, regularly letting telephone messages with her continued leave.

On September 21, 2004, while moving about extensivley and attending to multiple tasks at the same time, Ms. Kelly re-injured her right ankle. Emergency room physicians diagnosed Ms. Kelly's ankle. Several subsequent falls have further aggravated the injury, and Ms. Kelly has also sustained Ms. Kelly's ankle did not heal well, and she continued to experience serious instability in her right ankle. Several injuries in those falls.

On July 6, 2004, Ms. Kelly tipped and sprained her ankle. After a short medical leave and a course of physical therapy, Ms. Kelly was released to return to work in September 2004. As part of her release to work, Ms. Kelly was supposed to be able to sit down whenever she needed to. However, Ms. Kelly was extremely busy during this time frame, and short-handed. Ms. Kelly, who generally worked alone, was pressed to get orders done quickly. As a result, she was seldom able to sit down.

Mrs. Kelly commenced employment as an Associate Production Chemist with Applied Biosystems in February 2002. Her performance was excellent. She received strong reviews, and agreeably worked the long hours often demanded. Throughout her time with Applied Biosystems, Mrs. Kelly was a valued employee.

This letter is written pursuant to Evidence Code § 1152, in an effort to settle Meghan Kelly's employment-related claims against Applied Biosystems.

Dear Mrs. Jones:

RE: Meegan Kelly v. Applied Biosystems

Foster City, CA 94404

850 Lincoln Centre Drive

Applied Biosystems

#### **Senior Manager, Employee Relations**

Veterinary Journals

[View Details](#)

VIA FEDERAL TAXES

VIA FEDERAL EXPRESS

[www.mcfaddenlaw.net](http://www.mcfaddenlaw.net)

19 Bancroft Way  
Berkeley, CA 94710  
Ph (510) 845-5203  
Fax (510) 868-0976  
maureen@mccallulaw.net  
February 23, 2007

LAW OFFICES OF MAUREEN E. MCADDIE

Attachment 21-2

Ms. Kelly took pride in her job with Applied Biosystems, and was crushed at the company's unwillingness to assist in getting her back to work. Applied Biosystems' conduct is particularly despicable in light of the fact that Ms. Kelly's October 2004 re-injury was a workplace accident, which may have been caused in part by the company's inadequate accommodation of her original July 2004 sprained ankle. Ms. Kelly has experienced significant emotional distress arising out of Applied Biosystems' conduct. She has also sustained a substantial economic loss, including more than a year's work of salary and associated benefits.

Applied Biosystems could have accommodated Ms. Kelly's disability. It is this matter is litigated, we are confident the evidence will show that Applied Biosystems' conduct is typical is also a well-accepted and common reasonable accommodation. Govt. Code § 12926(n); 2 Cal. Code Regs. § 7293.9(a). Allowing an employee to sit down and/or take breaks more often than is typical is also a reasonable accommodation. Act specifically identifies "offering part-time or modified work schedules" as a potential reasonable accommodation. Ms. Kelly was not requesting extraordinary. The Fair Employment and Housing Act pursuant to Govt. Code § 12940(m). Employers have an affirmative duty to accommodate disabled workers. Ms. Kelly was not requesting extraordinary. The Fair Employment and Housing Act specifically requires employers to return to work reasonable options that would enable her to return to work, it will be held liable on a claim for failure to engage in the without making any effort whatsoever to analyze her work restrictions, or to explore options that Applied Biosystems summarily dismissed Ms. Kelly's January 2006 request for accommodation, when the request is burdensome." Taylor v. Phoenixville School Dist., 184 F.3d at 317. Because the employee has, ask what he or she specifically wants, and offer and discuss available alternatives employee who requests accommodation, request information about the condition and what limitations an employee. As one court has explained of the interactive process: "Employers should meet with the between an employer and employee that is needed to determine what type of accommodation will aid The "interactive process" refers to the back and forth dialogue and exchange of information between the employer and employee with her.

of the January 2006 doctor's note to Applied Biosystems triggered its obligation to engage in the employee in a timely good faith "interactive process." Govt. Code § 12940(n). Ms. Kelly's presentation to all the protections afforded under the law for individuals with disabilities. In particular, when an achievement of the major life activity of work. Govt. Code § 12926(k). As such, Ms. Kelly is entitled Applied Biosystems Act, in that it is a physiological condition that limits (i.e. makes more difficult) her Kelly's ankle condition constitutes a "physical disability" within the meaning of the Fair Employment and Housing Act, and she either had no restrictions at all and/or could work at least 20 hours per week.

Applied Biosystems' above-described conduct is in clear violation of California law. Ms. Kelly's supervisor, Jonathan Laositi, continued to fail to respond to her. Ms. Kelly then called Applied Biosystems' HR department directly, and again explained that she was authorized to return back to work, and the nature of her work restrictions. Applied Biosystems made no effort to get Ms. Kelly back to work. Instead, the company summarily informed Ms. Kelly that she could not return to work unless she either had no restrictions at all and/or could work at least 20 hours per week.

Exhibit 21 - 3

DFEH Complaint and right to sue letter

Bndl. Current work restrictions

Maureen E. McFadden

## LAW OFFICES OF MAUREEN E. MCFADDEN

Very Truly Yours,

by that time, we will commence litigation

Please provide a response within one week of the date of this letter. If we do not hear from you

end, Ms. Kelly's current work restrictions are enclosed with this letter.

reasonable accommodations as will allow her to return to work as quickly as possible. Towards that end, demands that Applied Biosystems promptly engage in the interactive process with her, and offer such claims against Applied Biosystems for \$75,000. She also wants her job back. Ms. Kelly hereby claims against Applied Biosystems for \$75,000. She also wants her job back. Ms. Kelly hereby demands that Applied Biosystems promptly engage in the interactive process with her, and offer such reasonable accommodations as will allow her to return to work as quickly as possible. Towards that end, demands that Applied Biosystems promptly engage in the interactive process with her, and offer such

Ms. Kelly wants to move on with her life, and will agree to settle all past disability and related

Case	Economic Damages	Motional Damages	Punitives	Total Jury Verdict
Martin v. Arrow Electric (2006)	\$1M	\$500K	\$1.5M	
Carr v. Wash. Mutual (2006)	\$118K	\$682K	\$800K	
McGee v. Tucocemas (2005)	\$542K	\$1.5M	\$1.2M	\$3.2M
Welch v. Anaheim (2005)	\$215K	\$55M		\$5.2M
Roby v. McKesson (2004)	\$1.3M	\$2.7M	\$1.5M	\$19M
Wrysinski v. Agilent (2004)	\$850K	\$117K	\$3.8M	\$4.8M
Green v. State (2003)	\$597K	\$2M	\$2.6M	
McMurtry v. Burback (2003)	\$997K	\$537K	\$1.5M	
Tousignant v. San Bernardo (2002)	\$445K	\$1M	\$1.4M	

claims seriously, and don't hesitate to award large emotional distress and punitive damages awards:

Applied Biosystems' outrageous conduct towards Ms. Kelly may also warrant punitive damages. A sampling of recent disability discrimination verdicts demonstrates that juries take these

# EXHIBIT 22

1-22 figure E

1 (Pages 1 to 4)

1	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION DEPOSITION OF MEGAN LYNN KELLY	Reported by: DARCY J. BROKAW job No. 82191
2	APPEARANCES For Plaintiff, MEGAN KELLY, LAW OFFICES OF MAUREEN E. McFADDEN BY: MAUREEN E. McFADDEN, ESQ.	VS. APPLERA CORPORATION, Plaintiff, Defendant.
3	APPEARANCES For Plaintiff, MEGAN KELLY, LAW OFFICES OF MAUREEN E. McFADDEN BY: MAUREEN E. McFADDEN, ESQ.	VS. APPLERA CORPORATION, Plaintiff, Defendant.
4	APPEARANCES For Plaintiff, MEGAN KELLY, LAW OFFICES OF MAUREEN E. McFADDEN BY: MAUREEN E. McFADDEN, ESQ.	VS. APPLERA CORPORATION, Plaintiff, Defendant.
5	510-845-5203 Berkely, California 94710 819 Bancroft Way For Defendant: LITTLER MENDELSON TYLER M. PAETKAU, ESQ. 650 California Street, 20th Floor San Francisco, California 94108 415-433-1940 tpaedekau@littler.com	DEPOSITION OF MEGAN LYNN KELLY San Francisco, California Monday, February 11, 2008
6	7 maureen@mcfaddenlaw.net	
7	12 13 14 15 16 17 18 19 20 21 22 23 24 25	
8	ALSO PRESENT: Stefan Lazar 14 15 16 17 18 19 20 21 22 23 24 25	
9	For Defendant: LITTLER MENDELSON TYLER M. PAETKAU, ESQ. 650 California Street, 20th Floor San Francisco, California 94108 415-433-1940 tpaedekau@littler.com	
10	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
11	11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
12	12 13 14 15 16 17 18 19 20 21 22 23 24 25	
13	13 14 15 16 17 18 19 20 21 22 23 24 25	
14	14 15 16 17 18 19 20 21 22 23 24 25	
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22	22 23 24 25	
23	23 24 25	
24	24 25	
25	25	

Exhibit 22-2

18 (Pages 69 to 72)

Q Who did you call?	A I called Jonathan Laosini.
Q How many messages did you leave with Mr. Laosini?	A I don't remember.
Q Did you ever call anyone in the company's human resources department between September 22nd, 04 and January 23rd, 2006?	A I don't remember.
Q Did you ever call him at 04 and January 23rd, 2006?	A I don't remember.
Q Points to report on whether or not I was able to return to work.	A I don't remember. I would call him up with anything, I'll produce it to you.
MS. MCFADDEN: Well, you just heard her say she has boxes with possibly relevant documents in it, these fax receipts.	MR. PATEKAU: Well, you just heard her say she has boxes with possibly relevant documents in it, these fax receipts.
it be searched for responsive documents.	it be searched for responsive documents.
MS. MCFADDEN: We searched and didn't come up with anything, I'll produce it again; and if there's avoid it is piecemeal productions before trial, you know, before we file a dispositive motion. It	MS. MCFADDEN: We searched and didn't come up with anything, I'll produce it again; and if there's avoid it is piecemeal productions before trial, you know, before we file a dispositive motion. It
another search of these new boxes that she hasn't been able to look at to see if there's any	another search of these new boxes that she hasn't been able to look at to see if there's any
been able to look at to see if there's any	been able to look at to see if there's any
Mr. Laosini?	Mr. Laosini?
Q How many messages did you leave with	Q How many messages did you leave with
such as an e-mail or fax, to Mr. Laosini during the time that you were out on leave?	such as an e-mail or fax, to Mr. Laosini during the time that you were out on leave?
Did you ever send anything in writing,	Did you ever send anything in writing,
time that you were out on leave?	time that you were out on leave?
MS. MCFADDEN: Again, this is, just to	MS. MCFADDEN: Again, this is, just to
clarify, the same time frame through January 23rd?	clarify, the same time frame through January 23rd?
MR. PATEKAU: September 22nd, 2004 through January 23rd of '06.	MR. PATEKAU: September 22nd, 2004 through January 23rd of '06.
did you send any e-mails or faxes?	THE WITNESS: I believe so, yes.
MS. MCFADDEN: So during that time frame, did you send any e-mails or faxes?	BY MR. PATEKAU: I believe so.
January 23rd of '06.	THE WITNESS: I believe so, yes.
20 I believe that Dr. Al-Shabikh.	21 A Which doctor?
21 The fax of my doctor's note.	22 A I believe that was Dr. Al-Shabikh.
22 A I have not found one yet in my files. I	23 Q Do you have a fax confirmation number or fax confirmation receipt?
23 A I have not found one yet in my files. I	24 Q Do you have a fax confirmation number or fax confirmation receipt?
24 A Why can't you access the files easily?	25 Q Can't move around.
25 A They're in file boxes in my house that I	12 A They're in file boxes in my house that I
12 A Why can't you access the files easily?	13 Q You understand that the communications with your doctor or doctors are important in this case, right?
13 A You understand that the communications with your doctor or doctors are important in this case, right?	14 Q And you understand you have a duty to
14 A Yes.	15 Q First Request for Production of Documents?
15 A Yes.	16 Q And you understand that I would ask that you do
16 A Yes.	17 Q And you understand that I would ask that you do
17 A Yes.	18 Q Produce documents that are responsive to my clients
18 A Yes.	19 Q First Request for Production of Documents?
19 A Yes.	20 Q And again, I don't want to give you a hard
20 A Yes.	21 Q And again, I don't want to give you a hard
21 A Yes.	22 Q And again, I don't want to give you a hard
22 A Yes.	23 Q And again, I don't want to give you a hard
23 A Yes.	24 Q And again, I don't want to give you a hard
24 A Yes.	25 Q And again, I don't want to give you a hard

Exhibit 22-3

19 (Pages 73 to 76)



Exhibit 22-5

24 (Pages 93 to 96)

1	chemicals and vials around the laboratory and your ankle gave way, that that could cause injury to you've said about staying out to rehab, to rehabilitate your ankle?	4	A He did not put that into words, no. Q Did he say anything else beyond what anything to do with this case or your deposition?	5	6 A It mainly had to do with my cat. Q When you say "mainly", how about	7	8 A When you say "mainly", how about secondarily, did you mention the lawsuit or your deposition?	9	10 A I don't believe so. Q Have you asked him to be a witness for you?	11	12 A Those were -- those were the words or very close to the words that he said.	13	14 Q Okay. On the 31st on Exhibit 1, Kelly 283, can you read what the entry is there?	15	16 A Out with Alan" because depressed. "Not February last of '06 Does that -- strike that.	17	18 I'm sorry. "Depressed that not returning to work." The next entry on the 1st, that's February last of '06? The next entry on the 1st, that's February last of '06? February last of '06?	19	20 A Do you want me to read it? Q I was first just asking is that February last of '06, Wednesday.	21	22 A On the 31st.	23	24 Q Who is Alan?	25	26 A Alan is a friend of mine.		
1	Q And what's Alan's last name?	2	A Oliver-O-I-V-E-T.	3	4 A No.	5	6 Q Where does he live?	7	8 A He's in Santa Cruz now.	9	10 Q At the time, where did he live?	11	12 Q What does Mr. Oliver do for a living, if up in Berkeley that day.	13	14 Q You know?	15	16 A He's a crystallographer.	17	18 Q Does he have his own company in Santa Cruz?	19	20 A Yes, I believe so.	21	22 Q Is he a professor?	23	24 A I'm not sure. He's teaching a course.	25	some other standard for a teacher.
1	Q Does this refresh your recollection as to when you had this conversation with Mr. Lazar about returning to work?	2	3 Q Is he a current or former employee of Appera?	4	5 A No.	6	7 Q Where does he live?	8	9 Q He's in Santa Cruz now.	10	11 A Berkeley, I believe. He moved to Santa Cruz at some point. I'm not sure when. But he was in the book, I just wrote the answer to it the same day that was. But since I had the question written that response, I do not know if that was -- on what hours a week, would have been written in when I got written in when I got the doctor's note on the 20th.	12	13 Q Okay. On the entry on the 31st, it says place.	14	15 So had you already communicated with someone at the company about the possibility of returning to work with restrictions --	16	17 BY MR. PATEKAU:	18	19 Q -- on the 31st?	20	21 MS. MCFADDEN: Sorry. Asked and answered.	22	23 THE WITNESS: I answered earlier that I had heard from HR, either the 30th or the 31st. I do not know which.	24	25 BY MR. PATEKAU:	Q Okay. It says -- you use the word	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25			

25 (Pages 97 to 100)

Exhibit 22-2

1	MS. MCFADDEN: I'm going to object to any further questioning as irrelevant and raise a privacy objection. This stuff when she was a young child is not going to be relevant.	1	MS. MCFADDEN: I'm going to object to any further questioning as irrelevant and raise a privacy objection. This stuff when she was a young child is not going to be relevant.
2	BY MR. PAKTAKAU: Have you ever been diagnosed with clinical depression? Well, the joint doctors, they suggested I go to somebody for pain management.	2	BY MR. PAKTAKAU: Have you ever sought treatment for mental health issues? Q. Have you ever sought treatment for mental health issues?
3	A. I don't remember the doctor.	3	A. Diagnosed with clinical depression? I don't believe so, but I'm not sure.
4	Q. Who's the "they"?	4	Q. Regarding depression? No.
5	A. Before your surgery that you might have a negative reaction to the ankle surgery in light of your question was broader. Any mental health issues?	5	A. Actually, you're limiting my question. My reaction to the ankle surgery in light of your question was broader. Any mental health issues?
6	Q. Do you recall Dr. Haskell informing you before your surgery that you might have a negative reaction to the ankle surgery in light of your question was broader. Any mental health issues?	6	Q. Have you ever seen a psychologist or a psychiatrist?
7	A. No.	7	A. Correct.
8	Q. Were you ever referred to your limbs in traumas that you've suffered?	8	Q. When you were three?
9	A. No.	9	Q. That was after your parents were divorced,
10	Q. Have you ever been asked by any doctor if you're exaggerating your symptoms from the minor some social or underlying psychological condition for why you perceive minor trauma to your limbs in traumas that you've suffered?	10	Q. A he or a she?
11	A. Not that I recall.	11	A. I think they were both "he's". Each parent had one.
12	Q. It looks like on Exhibit 1, Kelly 284, the next contact with the company, at least according to your diary -- I'm sorry, your calendar, is -- is around.	12	Q. Where was that? Where were they located?
13	A. No.	13	A. I don't know. I was driven. I was driven
14	Q. Has anyone suggested that there might be traumas that you've suffered to your limbs?	14	Q. As a child.
15	A. No.	15	Q. A he or a she?
16	Q. Were you ever diagnosed as a hypochondriac?	16	A. I think they were both "he's". Each parent
17	A. No.	17	Q. When you were three?
18	Q. Do you ever been asked by any doctor if you're exaggerating your symptoms from the minor some social or underlying psychological condition for why you perceive minor trauma to your limbs in traumas that you've suffered?	18	Q. Psychologist or psychiatrist?
19	A. I don't recall him saying that, no.	19	A. I don't remember.
20	Q. Do you ever refer to the ankle surgery in light of your question was broader. Any mental health issues?	20	Q. Psyologist or psychiatrist?
21	A. I don't remember the doctor.	21	A. I think they were both "he's". Each parent
22	Q. Were you ever referred to your limbs in traumas that you've suffered?	22	Q. A he or a she?
23	A. Not that I recall.	23	Q. Where was that? Where were they located?
24	Q. It looks like on Exhibit 1, Kelly 284, the next contact with the company, at least according to your diary -- I'm sorry, your calendar, is -- is around.	24	Q. A he or a she?
25	A. No.	25	Q. A he or a she?

L-22 Exhibit

34 (Pages 133 to 136)

# **EXHIBIT 23**

*Exhibit 23-1*

Michael Pedhirney

Best regards,

In addition, Applera intends to notice your deposition for sometime in mid-to-late February. Please be assured that Applera will not be exploiting discovery that is attorney-client privileged, including attorney-client-privileged communications between you and your client. Rather, Applera is interested in obtaining information regarding your role as Ms. Kelly's representative in the interactive process, and your clients' claim that our client failed to engage in the interactive process in good faith. See *Claudio v. Regents of the University of California*, 134 Cal. App. 3d 1, 32-33 (1981). At your earliest convenience, please let us know when you are available for deposition in mid-to-late February. If you have any questions, please feel free to contact Tyler or me.

I am writing as a follow-up to my voicemail message from yesterday. Applera wishes to proceed with taking Ms. Kelly's deposition. Please let us know by the end of the day tomorrow if you and your client are available on any of the following dates: January 28, any day the week of February 4, or any day the week of February 11.

Ms. McFadden,

Subject: Kelly V. Applera

Cc: Paetkau, Tyler M.

To: maureen@mcfaddenlaw.net

Sent: Wednesday, January 23, 2008 1:32 PM

From: Pedhirney, Michael G.

Pedhirney, Michael G.

1

> This email may contain confidential and privileged material for the  
> > another party. Any transaction or matter addressed herein.  
> Internal Revenue Code or (ii) Promoting, marketing or communicating to  
> cannot be used, for the purpose of (i) avoiding penalties under the  
> (including any attachments) is not intended or written to be used, and  
> you that any U.S. federal tax advice contained in this document  
> To ensure compliance with requirements imposed by the IRS, we inform  
> > -----  
> >

> Michael Pedhiriney  
> >

> Best regards,  
> >

> February. If you have any questions, please feel free to contact Tyler or me.  
> Let us know when you are available for deposition in mid-to-late  
> Cal. App. 3d 1, 32-33 (1981). At your earliest convenience, please  
> Montebello Rose Comp., Inc. v. Agri-Cultural Labor Relations Board, 119  
> University of California, 134 Cal. App. 4th 224, 247 (2005);  
> interactivity process in good faith. See Claudia v. Regents of the  
> Your client's claim that our client failed to engage in the  
> role as Ms. Kelly's representative in the interactive process, and  
> Rather, Appellee is interested in obtaining information regarding your  
> attorney-client-privileged communications between you and your client.  
> exploring discovery that is attorney-client privileged, including  
> mid-to-late February. Please be assured that Appellee will not be  
> In addition, Appellee intends to notice your deposition for sometime in  
> >

> of February 4, or any day the week of February 11.  
> available on any of the following dates: January 28, any day the week  
> Let us know by the end of the day tomorrow if you and your client are  
> Appellee wishes to proceed with taking Ms. Kelly's deposition. Please  
> I am writing as a follow-up to my voicemail message from yesterday.  
> >

> Ms. McFadden,  
> >

> Date: Wed, 23 Jan 2008 13:32:09 -0800  
> Subject: Kelly v. Appellee  
> To: maureenmcfaddenlaw.net  
> From: "Pedhiriney, Michael G." <MPedhiriney@littler.com>  
> ----- Original Message -----  
> >

I got your message yesterday, but I've been out of the office - will get you dates as  
as you know, I have no information.  
ought to be able to find a day. You are going to have to make a motion to get my depo -  
quick as I can here. The next month is a bit tricky, as I have a trial coming up, but I  
- - -

Subject: Re: Kelly v. Appellee  
To: Pedhiriney, Michael G.  
From: maureen@mcfaddenlaw.net  
Sent: Wednesday, January 23, 2008 4:10 PM

Pedhiriney, Michael G.

Exhibit 23-3

<

> sole use of the intended recipient(s). Any review, use, distribution  
> or disclosure by others is strictly prohibited. If you are not the  
> intended recipient (or authorized to receive for the recipient),  
> please contact the sender by reply email and delete all copies of this  
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> To reply to our email administrator directly, send an email to  
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> Littleer Mendelson, P.C.

> 819 Bancroft Way  
Law Offices of Maureen E. McFadden  
Maureen E. McFadden  
Berkeley, CA 94710  
Ph (510) 845-5203

Exhibit 23-4

&gt;

&gt; Date: Wed, 23 Jan 2008 13:32:09 -0800

&gt; Subject: Kelly V. Appleira

&gt; To: maureen@mcfaddenlaw.net

&gt; From: "Pedhirmey, Michael G." &lt;MPedhirmey@littler.com&gt;

&gt; -----Original Message-----

I got your message yesterday, but I've been out of the office - will get you dates as quick as I can here. The next month is a bit tricky, as I have a trial coming up, but I ought to be able to find a day. You are going to have to make a motion to get my depo - as you know, I have no information.

Subject: Re: Kelly V. Appleira

To: Pedhirmey, Michael G.

From: maureen@mcfaddenlaw.net [mailto:maureen@mcfaddenlaw.net]

Sent: Wednesday, January 23, 2008 4:10 PM

-----Original Message-----

650 California St. | 20th Floor  
San Francisco, California 94108  
Direct Dial: (415) 677-3197  
Fax: (415) 743-6577  
tpaeckau@littler.com | www.littler.com

Tyler Peækau | Littler Mendelson, P.C.  
The National Employment & Labor Law Firm®

Regeards, Tyler

Michael Pedhirmey.  
Thank you for your anticipated cooperation. If you have any questions or if you would like to discuss, please contact me or

provide it as soon as possible.  
assertion that you "have no information" relevant to the disputed issues. If you have such authority or evidence, please regards of Luly, of Cal., 134 Cal. App. 4th 224, 247 (2005). You have not cited any authority or evidence to support your consequences doctrine, failure to cooperative processes, and disruption of interactive process; see also Claudio v. Answer and its 9th, 14th, 15th, 21st and 22nd Affirmative Defenses (among other affirmative defenses, including avoidance letter to our client, Veromica Jones, dated 2/23/07; our client Charles Heimzer's letter to you dated 3/28/07; our client's and our clients' defenses. See, e.g., Paragraphs 15-17 of your client's Complaint; your letter to our client dated 12/22/06; witness. We respectfully disagree with your assertion below that you "have no information" relevant to your client's claims Also, I am writing to "meet and confer" further regarding our client's request for your deposition as a necessary precipitant weeks for your clients' deposition and proposed dates for Steven Lazar's deposition.

As ordered today by Magistrate Judge Chen, please provide, at your earliest convenience, available dates in the next two

Maureen,

Subject: RE: Kelly V. Appleira

Cc: Pedhirmey, Michael G.

To: maureen@mcfaddenlaw.net

Sent: Tuesday, January 29, 2008 5:02 PM

From: Peækau, Tyler M.

Pedhirmey, Michael G.

> Littler Mendelson, P.C.  
>  
> postmaster@littler.com  
>  
> To reply to our email administrator directly, send an email to  
>  
> copies of this  
> recipient), please contact the sender by reply email and delete all  
> to receive for the  
> prohibited. If you are not the intended recipient (or authorized  
> by others is strictly  
> intended recipient(s). Any review, use, distribution or disclosure  
> sole use of the  
> This email may contain confidential and privileged material for the  
> or recommending to another party any transaction or matter addressed herein.  
> promoting, marketing  
> avoiding penalties under the Internal Revenue Code or (ii)  
> purpose of (i)  
> is not intended or written to be used, and cannot be used, for the  
> any attachments)  
> any U.S. federal tax advice contained in this document (including  
> To ensure compliance with requirements imposed by the IRS, we inform you that  
>  
> ----  
>  
> Michael Pedchimsky  
>  
>

> Best regards,  
>  
>  
> questions, please feel free to contact Tyler or me.  
> available for deposition in mid-to-late February. If you have any  
> (1981). At your earliest convenience, please let us know when you are  
> Inc. v. Agricultural Labor Relations Board, 119 Cal. App. 3d 1, 32-33  
> California, 134 Cal. App. 4th 224, 247 (2005); Montebello Rose Comp.,  
> processes in good faith. See Claudio v. Regents of the University of  
> clients' claim that our client failed to engage in the interactive  
> role as Ms. Kelly's representative in the interactive process, and your  
> Rather, Appellea is interested in obtaining information regarding your  
> attorney-client-privileged communications between you and your client.  
> exploring discovery that is attorney-client privileged, including  
> In addition, Appellea intends to notice your deposition for sometime in  
> mid-to-late February. Please be assured that Appellea will not be  
> available on any of the following dates: January 28, any day the week of  
> February 4, or any day the week of February 11.  
> Appellea wishes to proceed with taking Ms. Kelly's deposition. Please  
> let us know by the end of the day tomorrow if you and your client are  
> I am writing as a follow-up to my voicemail message from yesterday.  
>  
>

> Ms. McFadden,  
>  
>

Maurleen E. McFadden  
Law Offices of Maurleen E. McFadden  
819 Bancroft Way  
Berkeley, CA 94710  
Ph (510)845-5203

<  
> <http://www.littler.com>

# EXHIBIT 24

Case No. C-07-3002 MMC

## NOTICE OF DEPOSITION OF MATUREEN MCFADEEN

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
650 California Street, Suite 2100, San Francisco, CA 94108-2693  
Tel: 415.399.8490 Fax: 415.433.1940 E-mail: jskonberg@littler.com  
115 4th & 3rd 1990

<p>1 JOHN M. SKONBERG, Bar No. 069409 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>2 TYLER M. PATEKAU, Bar No. 146305 MICHAEL G. PEDHORN, Bar No. 233164 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: mpedhorn@littler.com</p> <p>3 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>4 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>5 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>6 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>7 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>8 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108-2693 Telephone: 415.399.8490 Facsimile: 415.433.1940 E-mail: jskonberg@littler.com</p> <p>9 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION MEGAN KELLY, Case No. C-07-3002 MMC</p> <p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>Judge: The Honorable Maxine M. Chesney Defendant. APPLERA CORPORATION, V., Plaintiff, DEFENDANT APPLERA CORPORATION'S NOTICE OF DEPOSITION OF PARTY-AFFILIATED WITNESSES MATUREEN MCFADEEN Defendant.</p>
--	--

Exhibit 24-a

LITTLER MENDELSOHN  
A Professional Corporation  
650 California Street  
Suite 2000  
San Francisco, CA 94108-2693  
415.363.1940

NOTICE OF DEPOSITION OF MAUREEN MCFADDEN  
Case No. C-07-3002 MMC

- TO PLAINTIFF MEGAN KELLY AND HER ATTORNEY OF RECORD:
- PLAINEE NOTICE that pursuant to Federal Rule of Civil Procedure 30,  
Defendant Appleera Corporation ("Defendant") will take the deposition of Maureen McFadden on  
April 11, 2008 starting at 10:00 a.m., at the offices of Littler Mendelson, a Professional Corporation,  
located at 650 California Street, 20th Floor, San Francisco, California 94108-2693. The deposition  
will continue if necessary on future dates mutually agreed upon by the witness and the parties.  
PLEASE TAKE FURTHER NOTICE that Defendant reserves the right to record the  
deposition testimony by videotape, and to use instant visual display of testimony, i.e., LiveNote or  
summation, in addition to recording the testimony stenographically, from which a written transcript  
will be prepared.
- Dated: March 4, 2008
- JOHN M. SKONBERG  
TYLER M. PAETKAU  
MICHAEL G. PEDHIRNEY  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant
- APPLEERA CORPORATION
- Filmwide:8484660.1 008292.1051
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LITTLER MENDELSON  
A Professional Corporation  
650 California Street  
San Francisco, CA 94111  
T 415.433.1940  
F 415.433.1941  
E info@littler.com  
www.littler.com

Case No. C-07-3002 MMC

## PROOF OF SERVICE

Filmwide:84486011.1.008292.1051

Linda K. Camario



Executed on March 4, 2008, at San Francisco, California.

whose direction the service was made.

I declare that I am employed in the office of a member of the bar of this court at

the United States Postal Service on this date.

collection and mailing on this date, and would, in the ordinary course of business, be deposited with

following ordinary business practices, the envelope was sealed and placed for

Berkeley, CA 94710

819 Bancroft Way

Law Offices of Maureen E. McFadden

Maureen E. McFadden, Esq.

in a sealed envelope, postage fully paid, addressed as follows:

## WITNESS MAUREEN MCFADEEN

## NOTICE OF DEPOSITION OF PARTY-APPELLED

## DEFENDANT APPELLA CORPORATION'S

Service a true and correct copy of the within document(s):

March 4, 2008, I placed with this firm at the above address for deposit with the United States Postal

collection and processing of correspondence for mailing with the United States Postal Service. On

20th Floor, San Francisco, California 94108-2693. I am readily familiar with this firm's practice for

years and not a party to the within-enitled action. My business address is 650 California Street,

I am employed in San Francisco County, California. I am over the age of eighteen

## PROOF OF SERVICE BY MAIL

# **EXHIBIT 25**

<p style="text-align: center;"><b>UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA</b></p> <p><i>Notarized copies of Court, Judge, Clerk and County Clerk if any.</i></p> <p><b>MICHAEL PEDDHIREN, CSB 233164</b>  <b>LITTLER MENDELSON, PC</b>  <b>650 California Street, 20th Floor</b>  <b>San Francisco, CA 94108-2693</b>  <b>Telephone: 415.433.1940</b>  <b>Fax: 415.433.1940</b>  <b>Attorney or party without attorney (name and address)</b></p> <p><b>APPENDANT APPELERA CORP.</b>  <b>Telephone: 415.433.1940</b>  <b>Fax: 415.433.1940</b>  <b>Address:</b></p> <p><b>MEGAN KELLY</b>  <b>DR. RASD AL-SHEIKH</b>  <b>1860 Moray Ave., 3rd Fl</b>  <b>Fremont, CA 94538</b>  <b>Records Pertaining to: Megan Kelly</b></p> <p><b>CERTIFICATION OF RECORDS COPIES (Condition's Initials)</b></p> <p>1. I am a duly authorized Clerk/den of Records, or other qualified witness, for the above-named business. As such, I have the authority to certify these records.</p> <p>a. To the best of my knowledge, all such records were prepared or completed by the personnel of the above-named business in the ordinary course of business, at or near the time of this act, accurately, or evenly recorded.</p> <p>b. The photocopied records submitted herewith are true copies of all records described in the deposition.</p> <p>c. I have the authority to certify these records.</p> <p>d. No documents have been withheld in order to avoid their being photocopied. If we have only part of the records described in the deposition, all such records are provided.</p> <p>e. A thorough search has been made for the documents records described in the Deposition.</p> <p>f. I have the authority to certify these records.</p> <p>2. I am a duly authorized Clerk/den of Records, or other qualified witness, for the above-named business. As such, I have the authority to certify these records.</p> <p>a. No copies of records are furnished because we do not have said records.</p> <p>b. Subpoena/Authorization and, based on the information provided to us for identification, no such records were found.</p> <p>c. No copies of records are furnished because we do not have said records.</p> <p><b>NO RECORDS, PLEASE EXPLAIN:</b></p> <p><b>NOT A PARTNER OF DR. ALSHEIKH.</b></p> <p><b>DR. RASD AL-SHEIKH</b></p> <p><b>Permit Name _____ Signature _____</b></p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on (date) <u>DEC 05 2001</u> at (place) <u>TERMINAL CITY</u>. California.</p> <p><b>DECLARATION OF CLERK/DEN OF RECORDS</b></p> <p><b>CCP 1985-1997, 2018-2021, Evid. Code 1580-1586, etc.</b></p>					
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